



House of Representatives

File No. 522

General Assembly

February Session, 2006

(Reprint of File No. 397)

Substitute House Bill No. 5660
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 17, 2006

AN ACT CONCERNING WHEELCHAIR TRANSFER SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-180 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2006*):

3 (a) No person shall operate any ambulance service, rescue service or
4 management service without either a license or a certificate issued by
5 the commissioner. No person shall operate a commercial ambulance
6 service or commercial rescue service or a management service without
7 a license issued by the commissioner. A certificate shall be issued to
8 any volunteer or municipal ambulance service which shows proof
9 satisfactory to the commissioner that it meets the minimum standards
10 of the commissioner in the areas of training, equipment and personnel.
11 As applies solely to invalid coaches, as defined in subdivision (11) of
12 section 19a-175, such minimum standards shall include, but not be
13 limited to, use of devices designed to secure individuals in wheelchairs
14 while transferring such individuals from the ground to the vehicle and
15 from the vehicle to the ground. Applicants for a license shall use the

16 forms prescribed by the commissioner and shall submit such
17 application to the commissioner accompanied by an annual fee of one
18 hundred dollars. In considering requests for approval of permits for
19 new or expanded emergency medical services in any region, the
20 commissioner shall consult with the Office of Emergency Medical
21 Services and the emergency medical services council of such region
22 and shall hold a public hearing to determine the necessity for such
23 services. Written notice of such hearing shall be given to current
24 providers in the geographic region where such new or expanded
25 services would be implemented, provided, any volunteer ambulance
26 service which elects not to levy charges for services rendered under
27 this chapter shall be exempt from the provisions concerning requests
28 for approval of permits for new or expanded emergency medical
29 services set forth in this subsection. Each applicant for licensure shall
30 furnish proof of financial responsibility which the commissioner
31 deems sufficient to satisfy any claim. The commissioner may adopt
32 regulations, in accordance with the provisions of chapter 54, to
33 establish satisfactory kinds of coverage and limits of insurance for each
34 applicant for either licensure or certification. Until such regulations are
35 adopted, the following shall be the required limits for licensure: (1) For
36 damages by reason of personal injury to, or the death of, one person on
37 account of any accident, at least five hundred thousand dollars, and
38 more than one person on account of any accident, at least one million
39 dollars, (2) for damage to property at least fifty thousand dollars, and
40 (3) for malpractice in the care of one passenger at least two hundred
41 fifty thousand dollars, and for more than one passenger at least five
42 hundred thousand dollars. In lieu of the limits set forth in subdivisions
43 (1) to (3), inclusive, of this subsection, a single limit of liability shall be
44 allowed as follows: (A) For damages by reason of personal injury to, or
45 death of, one or more persons and damage to property, at least one
46 million dollars; and (B) for malpractice in the care of one or more
47 passengers, at least five hundred thousand dollars. A certificate of such
48 proof shall be filed with the commissioner. Upon determination by the
49 commissioner that an applicant is financially responsible, properly
50 certified and otherwise qualified to operate a commercial ambulance

51 service, the commissioner shall issue a license effective for one year to
52 such applicant. If the commissioner determines that an applicant for
53 either a certificate or license is not so qualified, the commissioner shall
54 notify such applicant of the denial of the application with a statement
55 of the reasons for such denial. Such applicant shall have thirty days to
56 request a hearing on the denial of the application.

57 (b) Any person or emergency medical service organization which
58 does not maintain standards or violates regulations adopted under any
59 section of this chapter applicable to such person or organization may
60 have such person's or organization's license or certification suspended
61 or revoked or may be subject to any other disciplinary action specified
62 in section 19a-17 after notice by certified mail to such person or
63 organization of the facts or conduct which warrant the intended action.
64 Such person or emergency medical service organization shall have an
65 opportunity to show compliance with all requirements for the
66 retention of such certificate or license. In the conduct of any
67 investigation by the commissioner of alleged violations of the
68 standards or regulations adopted under the provisions of this chapter,
69 the commissioner may issue subpoenas requiring the attendance of
70 witnesses and the production by any medical service organization or
71 person of reports, records, tapes or other documents which concern the
72 allegations under investigation. All records obtained by the
73 commissioner in connection with any such investigation shall not be
74 subject to the provisions of section 1-210, as amended, for a period of
75 six months from the date of the petition or other event initiating such
76 investigation, or until such time as the investigation is terminated
77 pursuant to a withdrawal or other informal disposition or until a
78 hearing is convened pursuant to chapter 54, whichever is earlier. A
79 complaint, as defined in subdivision (6) of section 19a-13, shall be
80 subject to the provisions of section 1-210, as amended, from the time
81 that it is served or mailed to the respondent. Records which are
82 otherwise public records shall not be deemed confidential merely
83 because they have been obtained in connection with an investigation
84 under this chapter.

85 (c) Any person or emergency medical service organization
86 aggrieved by an act or decision of the commissioner regarding
87 certification or licensure may appeal in the manner provided by
88 chapter 54.

89 (d) Any person guilty of any of the following acts shall be fined not
90 more than two hundred fifty dollars, or imprisoned not more than
91 three months, or be both fined and imprisoned: (1) In any application
92 to the commissioner or in any proceeding before or investigation made
93 by the commissioner, knowingly making any false statement or
94 representation, or, with knowledge of its falsity, filing or causing to be
95 filed any false statement or representation in a required application or
96 statement; (2) issuing, circulating or publishing or causing to be issued,
97 circulated or published any form of advertisement or circular for the
98 purpose of soliciting business which contains any statement that is
99 false or misleading, or otherwise likely to deceive a reader thereof,
100 with knowledge that it contains such false, misleading or deceptive
101 statement; (3) giving or offering to give anything of value to any
102 person for the purpose of promoting or securing ambulance or rescue
103 service business or obtaining favors relating thereto; (4) administering
104 or causing to be administered, while serving in the capacity of an
105 employee of any licensed ambulance or rescue service, any alcoholic
106 liquor to any patient in such employee's care, except under the
107 supervision and direction of a licensed physician; (5) in any respect
108 wilfully violating or failing to comply with any provision of this
109 chapter or wilfully violating, failing, omitting or neglecting to obey or
110 comply with any regulation, order, decision or license, or any part or
111 provisions thereof; (6) with one or more other persons, conspiring to
112 violate any license or order issued by the commissioner or any
113 provision of this chapter.

114 (e) No person shall place any advertisement or produce any printed
115 matter that holds that person out to be an ambulance service unless
116 such person is licensed or certified pursuant to this section. Any such
117 advertisement or printed matter shall include the license or certificate
118 number issued by the commissioner.

119 Sec. 2. Section 13b-105 of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective July 1, 2006*):

121 The Department of Transportation may, with or without hearing,
122 issue temporary and permanent livery permits to applicants for the
123 express purpose of providing reasonable livery service to handicapped
124 persons and elderly persons on regular or irregular routes where the
125 department finds no existing service or that the existing service is not
126 adequate to properly serve the special needs of elderly persons and
127 handicapped persons. Temporary authority shall not extend over a
128 period of more than sixty days. In determining the special needs of the
129 handicapped and elderly the department may take into consideration
130 the convenience and the physical and mental frailties of, and the care,
131 safety and protection necessary for the best interest of, the
132 handicapped and elderly and the general public. Before issuing a
133 permit, the department shall require the applicant to meet the
134 department's minimum standards in the area of equipment. Such
135 minimum standards shall include, but not be limited to, use of devices
136 designed to secure individuals in wheelchairs while transferring such
137 individuals from the ground to the vehicle and from the vehicle to the
138 ground.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2006</i>	19a-180
Sec. 2	<i>July 1, 2006</i>	13b-105

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Public Health, Dept.	GF - None	None	None
Department of Transportation	TF - None	None	None

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
Various Municipalities	STATE MANDATE - Cost	Potential Minimal	Potential Minimal

Explanation

No state or municipal fiscal impact is anticipated in response to enactment of Section 1 of the bill. State regulations (19a-179-18(c)) currently require invalid coaches to have "separate seat restraints for securing patients in wheelchairs prior to loading, in the same quantity as the maximum number of patients the vehicle is designed to accommodate."

Section 501 of the bill requires new applicants for livery permits for livery service to handicapped persons to meet certain minimum equipment requirements before the Department of Transportation (DOT) issues such permit. The DOT will be able to accommodate any additional administrative functions resulting from passage of this bill within their anticipated budgetary resources.

The bill does not apply to already issued livery permits, therefore there is no fiscal impact to municipalities now having permits. There will be a minimal cost, less than \$10,000 annually, to municipalities that choose to apply for new or amended livery permits in order to

meet provisions of the bill.

House “A” limits the restraint requirement to invalid coaches. The original bill would have applied this requirement to basic ambulance vehicles as well. This negates a potential minimal cost to any municipally-affiliated ambulance company not already having such restraints.

The amendment also adds provisions regarding livery services (Section 501) and results in the fiscal impacts discussed above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5660 (as amended by House "A")******AN ACT CONCERNING WHEELCHAIR TRANSFER SAFETY.*****SUMMARY:**

By law, a volunteer or municipal ambulance service must prove that it meets minimum standards for training, equipment, and personnel in order to get an operating certificate from the Department of Public Health. This bill requires (1) these minimum standards for invalid coaches to include the use of devices designed to secure riders in wheelchairs while they are being transferred into and out of the vehicle, (2) all motor vehicles in livery service to meet the Department of Transportation's (DOT) minimum equipment standards before they may be issued an operating permit, and (3) these minimum standards to include use of such rider securing devices.

By law, invalid coaches are vehicles used exclusively to transport non-ambulatory patients who are not confined to stretchers to or from either a medical facility or the patient's home in nonemergency situations, or used in emergency situations as a backup when insufficient emergency vehicles exist.

*House Amendment "A" limits the bill's original requirement for restraining devices to invalid coaches and adds the requirement for livery vehicles under DOT jurisdiction.

EFFECTIVE DATE: July 1, 2006

COMMITTEE ACTION

Transportation Committee

Joint Favorable Change of Reference

Yea 30 Nay 0 (03/13/2006)

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/20/2006)